

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)
v.)
YOHAN A. GERMOSEN,)
Defendant.)
Crim. No. 05-cr-10120-NG

**JOINT MOTION FOR RULE 11 HEARING
AND TO EXCLUDE TIME FROM SPEEDY TRIAL ACT COMPUTATIONS**

The United States and the Defendant, Yohan A. Germosen, by and through their undersigned counsel, respectfully move the Honorable Court to schedule a Rule 11 hearing in the above captioned matter on a date approximately 90 days from the date of this motion that is convenient for the Court. The parties also jointly move that the period between June 6, 2005 (the date of this motion) and the date of the Rule 11 Hearing to be scheduled by the Court be excluded from all Speedy Trial Act computations. In support of this motion, the parties state as follows:

1. On May 5, 2005, an Information was filed, charging Germosen with conspiracy to unlawfully import at least 100 grams of heroin into the United States from the Dominican Republic in violation of 21 U.S.C. § 963 (Count One) and importation of at least 100 grams of heroin into the United States from the Dominican Republic in violation of 21 U.S.C. §§ 952(a) and 960 (Count Two).
2. Thirty-one (31) days have elapsed under the Speedy Trial Act since the Information was filed on May 5, 2005, and thirty-nine (39) days remain under 18 U.S.C. § 3161(c)(1).
3. The parties are currently in the process of negotiating a resolution of this matter, which will include the need for a change of plea hearing under Rule 11 of the Federal

Rules of Criminal Procedure. The parties estimate the need for approximately 90 days to finalize these negotiations.

4. The parties therefore request that this Honorable Court schedule a Rule 11 hearing agree on a date approximately 90 days from the date of this motion that is convenient for the Court.
5. The parties also request that the period between June 6, 2005 (the date of this motion) and the date of the Rule 11 Hearing to be scheduled by the Court be excluded from all Speedy Trial Act computations.

WHEREFORE, the parties jointly move the Honorable Court to (i) schedule a Rule 11 hearing in the above captioned matter on a date approximately 90 days from the date of this motion that is convenient for the Court, and (ii) exclude the period between June 6, 2005, and the date of the Rule 11 Hearing from all Speedy Trial Act computations.

Respectfully submitted,

MICHAEL J. SULLIVAN,
United States Attorneys,

DEFENDANT YOHAN A. GERMOSEN,
By his attorney,

By: /s/ Lisa M. Asiaf
LISA M. ASIAF
Assistant U.S. Attorney
One Courthouse Way
Boston, MA 02210
Tel: (617) 748-3268

/s/ John H. Molloy
JOHN H. MOLLOY, Esq.
Law Offices of John H. Molloy
385 Broadway Street
Revere, MA 02151
Tel: (781) 284-9934

June 6, 2005